

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re Application of

MIYA WATER PROJECTS
NETHERLANDS B.V.,

Applicant,

To Obtain Discovery for Use in an
International Proceeding

Misc. Action No. _____

22 mc 310

~~PROPOSED~~ ²⁸ ORDER GRANTING *EX PARTE* APPLICATION
UNDER 28 U.S.C. § 1782 TO OBTAIN DISCOVERY FROM XYLEM INC.

This matter comes before the Court on the *Ex Parte* Application of Miya Water Projects Netherlands B.V. (“Miya”) for an Order to Obtain Discovery under 28 U.S.C. § 1782 from Xylem Inc. for use in an international proceeding. Having fully considered Miya’s submissions and good cause appearing therefore,

IT IS HEREBY ORDERED that:

1. The *Ex Parte* Application is GRANTED;
2. Miya is granted leave to serve a subpoena *duces tecum* in substantially the same form as Exhibit A to the Declaration of Tara M. Lee, directing Xylem to produce the materials requested in the subpoena at the offices of White & Case LLP, c/o Iva Popa, 1221 Avenue of the Americas, New York, NY 10020, and/or another location mutually agreeable to Miya and Xylem.
3. Xylem shall produce the requested documents within thirty days of service of the subpoena, or such other dates as agreed between the parties, and in conformity with the Federal Rules of Civil Procedures and the Local Rules of the United States District Court for the Southern District of New York.

4. Miya is further granted leave to serve a subpoena *ad testificandum* in substantially the same form as Exhibit B to the Declaration of Tara M. Lee, directing Xylem to produce a corporate representative for a deposition to be conducted in accordance with Federal Rule of Civil Procedure 30(b)(6) at the offices of White & Case LLP located at 1221 Avenue of the Americas, New York, NY 10020, or another location mutually agreeable to Miya and Xylem.

5. Xylem shall produce the corporate representative for the deposition on or before the noticed date, or such other dates as agreed between the parties.

6. Until further Order by this Court, Xylem shall preserve all documents, electronic or otherwise, and any evidence in its possession, custody, or control that contain information potentially relevant to the subject matter of the foreign proceeding at issue in the *Ex Parte* Application.

SO ORDERED

Signed this 9th day of November, 2022

Paul A. Gagehy
U.S. District Judge